

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ANDRE J. TWITTY, )  
Petitioner, )  
v. ) No. 4:21-CV-875 NAB  
ERIC S. SCHMITT, )  
Respondent. )

**OPINION, MEMORANDUM AND ORDER**

Before the Court is petitioner’s motion to “expedite appeal, release pending appeal [and] brief in support.” The Court denied and dismissed petitioner’s application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 on January 26, 2022, because petitioner is not in custody pursuant to a state court judgment. Petitioner appealed this Court’s ruling to the Eighth Circuit Court of Appeals on February 14, 2022, and the Eighth Circuit denied petitioner’s request for certificate of appealability on June 24, 2022. *See Twitty v. Schmitt*, No. 22-1345 (8<sup>th</sup> Cir. 2022). The mandate was issued by the Eighth Circuit on that same date. *Id.* No further documents have been filed in this action since that time.

In his motion to “expedite appeal, release pending appeal [and] brief in support,” petitioner appears to seek reconsideration of this Court’s dismissal of this action on January 26, 2022. The Court declines to reconsider its ruling at this time. If petitioner wishes to file a new action in this Court, he may of course, do so.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner’s motion to “expedite appeal, release pending appeal [and] brief in support” [ECF No. 21] is **DENIED**.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

**IT IS FURTHER ORDERED** that the Clerk shall not accept any additional filings in this closed action.

Dated this 7<sup>th</sup> day of October, 2022.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE